

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: Robert T. Kenney, Director

SUBJECT: ZONING TEXT AMENDMENT APPLICATION NO. 35; SUNKEN PLAZAS AND
PUBLIC ENTRANCES TO BASEMENTS IN FRONT YARDS IN BUSINESS DISTRICTS

The unusually wide sidewalks along Boylston Street in the Back Bay are the result of early deed restrictions requiring 20 to 22 foot front yards. These yards have been paved as extensions of the public sidewalk, thus increasing the capacity for pedestrian traffic and enhancing the boulevard-like aspect of the street. However, these deed restrictions have since expired.

In connection with a new building opposite Copley Square, the developer proposed to excavate the private sidewalk space to create a sunken plaza serving stores at the basement level. This arrangement was vigorously opposed by abutters and by the Back Bay Association on the grounds that this below grade areaway would interfere with pedestrian safety and convenience and would divert pedestrian flows away from the facades of adjacent buildings. However, the permit was issued, as there was nothing in the Zoning Code or Building Code to prevent it.

The attached petition has been filed by an owner of Boylston Street property with the support of the Back Bay Association to control the construction of future below grade structures of this sort. The intent is to not allow such structures in front yards in business districts, unless the Board of Appeal grants a permit for such structure. This conditional status would accommodate the type of entrance common on Newbury Street where steps in the front yard lead down to basement stores which are only partially below grade. It would also accommodate unusual circumstances which might arise in business districts throughout the City. Recommend approval.

VOTED: That the Boston Redevelopment Authority hereby recommends that the Zoning Commission of the City of Boston adopt Text Amendment Application No. 35, by Barry Hoffman of the 733-735 Boylston Street Trust. In the opinion of the Authority, below grade open spaces abutting sidewalks in business districts may constitute certain hazards to pedestrian safety and convenience and should be allowed only when the Board of Appeal is satisfied that no such hazards will be created.

BOSTON, June 1, 1973

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON

The undersigned, as owner of property at 733-757 Boylston Street
hereby petitions the Zoning Commission of the City of Boston to adopt,
under Chapter 665 of the Acts of 1956, as amended, the following
amendment to the text of the Boston Zoning Code which would affect
said property as follows:

By inserting at the end of the first paragraph of Section 18-1,
Front Yard Requirements, as amended on February 20, 1970 and
February 17, 1971, the following sentence:

In a required front yard in an L or B district, no plaza, terrace
or public access to a basement (other than required by the Boston
Building Code) shall be below the grade of the nearest sidewalk unless,
after public notice and hearing and subject to the provisions of Article
6, the Board of Appeal grants a permit therefor.

Petitioner 733-757 Boylston Street Tr.

By [Signature]

Address 734 Boylston St.

Boston, Mass.

Tel. No. 609-5555

From Section 5-4 of the Boston Zoning Code as authorized by Chapter 665 of the Acts
of 1956 and as amended May 27, 1970)

"The estimated average cost to the City of a hearing on a proposed amendment of this
code is hereby established as one hundred dollars."

